IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.10314 OF 2004

Balkrishna Motilal Bakale. ...Petitioner.

Vs.

Ramchandra Motilal Bakale & Ors. ...Respondents.

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Mr.Tejas D.Deshmukh for the Petitioner.

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**CORAM : DR.D.Y.CHANDRACHUD, J.**

April 28, 2005.

**P.C. :**

The only grievance which is urged in these proceedings is that some of the observations which are contained in the impugned order dated 13th August 2004 of the Joint Civil Judge, Senior Division, Solapur, are wider than what would be necessary for the disposal of the application under Order 21 Rule 54 of the Code of Civil Procedure, 1908. It is not necessary to exercise the writ jurisdiction under Article 227 of the Constitution since ex-facie it is clear from a reading of the

impugned order that the order was passed on the application for attachment under Order 21 Rule 54 and that the observations made therein are in that context. The Learned Trial Judge held that the application could not be allowed since an alienation of the half share of the First Respondent had already taken place. There is no merit in the petition which is accordingly rejected.

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